

SA 882. Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL) proposed an amendment to the bill S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

SA 883. Mr. MCCONNELL (for himself, Mr. GRASSLEY, and Mr. BAUCUS) proposed an amendment to amendment SA 882 proposed by Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL) to the bill S. 1215, *supra*.

SA 884. Mr. GRAHAM of Florida (for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. WYDEN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. EDWARDS, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Mr. LEAHY, Ms. SNOWE, Mr. DODD, Mr. CHAFEE, Mrs. DOLE, Mr. KENNEDY, Mr. CORZINE, and Ms. COLLINS) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 885. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 14, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 878. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, after line 14, insert the following:

SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.

Not later than December 31, 2003, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at

the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

SA 879. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SUSTAINABILITY GRANTS FOR WOMEN'S BUSINESS CENTERS.

Section 29(k)(4)(A)(iv) of the Small Business Act (15 U.S.C. 656(k)(4)(A)(iv)) is amended by striking "30.2 percent" and inserting "36 percent".

SA 880. Mr. ALEXANDER (for himself, Mr. SANTORUM, Mr. CORNYN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. DOMENICI, Mr. GRASSLEY, and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 52, after line 22, insert:

"SECTION ____ . NATURAL GAS SUPPLY SHORTAGE REPORT.

"(a) REPORT.—Not later than six months after the date of enactment of this act, the Secretary of Energy ("Secretary") shall submit to the Congress a report on natural gas supplies and demand. In preparing the report, the Secretary shall consult with experts in natural gas supply and demand as well as representatives of State and local units of government, tribal organizations, and consumer and other organizations. As the Secretary deems advisable, the Secretary may hold public hearings and provide other opportunities for public comment. The report shall contain recommendations for federal actions that, if implemented, will result in a balance between natural gas supply and demand at a level that will ensure, to the maximum extent practicable, achievement of the objectives established in subsection (b).

"(b) OBJECTIVES OF REPORT.—In preparing the report, the Secretary shall seek to develop a series of recommendations that will result in a balance between natural gas supply and demand adequate to—

"(1) provide residential consumers with natural gas at reasonable and stable prices;

"(2) accommodate long-term maintenance and growth of domestic natural gas dependent industrial, manufactured and commercial enterprises;

"(3) facilitate the attainment of national ambient air quality standards under the Clean Air Act;

"(4) permit continued progress in reducing emissions associated with electric power generation; and

"(5) support development of the preliminary phases of hydrogen-based energy technologies.

"(c) CONTENTS OF REPORT.—The report shall provide a comprehensive analysis of natural gas supply and demand in the United States for the period from 2004 and 2015. The analysis shall include, at a minimum—

"(1) estimates of annual domestic demand for natural gas that take into account the effect of federal policies and actions that are likely to increase and decrease demand for natural gas;

"(2) projections of annual natural gas supplies, from domestic and foreign sources, under existing federal policies;

"(3) an identification of estimated natural gas supplies that are not available under existing federal policies;

"(4) scenarios for decreasing natural gas demand and increasing natural gas supplies comparing relative economic and environmental impacts of federal policies that—

"(A) encourage or require the use of natural gas to meet air quality, carbon dioxide emission reduction, or energy security goals;

"(B) encourage or require the use of energy sources other than natural gas, including coal, nuclear and renewable sources;

"(C) support technologies to develop alternative sources of natural gas and synthetic gas, including coal gasification technologies;

"(D) encourage or require the use of energy conservation and demand side management practices; and

"(E) affect access to domestic natural gas supplies; and

"(5) recommendations for federal actions to achieve the objectives of the report, including recommendations that—

"(A) encourage or require the use of energy sources other than natural gas, including coal, nuclear and renewable sources;

"(B) encourage or require the use of energy conservation or demand side management practices;

"(C) support technologies for the development of alternative sources of natural gas and synthetic gas, including coal gasification technologies; and

"(D) will improve access to domestic natural gas supplies."

SA 881. Mr. BINGAMAN (for himself, Mr. INOUE, and Mr. DASCHLE) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 101, line 1, strike "electrify Indian tribal land" and all that follows through page 128, line 24, and insert:

"(4) electrify Indian tribal land and the homes of tribal members."

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking "Section" and inserting "Sec."; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"Sec. 213. Establishment of policy for National Nuclear Security Administration.

"Sec. 214. Establishment of security, counterintelligence, and intelligence policies.

"Sec. 215. Office of Counterintelligence.

"Sec. 216. Office of Intelligence.

"Sec. 217. Office of Indian Energy Policy and Programs

(2) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy."

SEC. 303. INDIAN ENERGY.

(a) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

"TITLE XXVI—INDIAN ENERGY

"SEC. 2601. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

"(2) The term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

“(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

“(i) in trust by the United States for the benefit of an Indian tribe;

“(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

“(iii) by a dependent Indian community; and

“(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(3) The term ‘Indian reservation’ includes—

“(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

“(B) a public domain Indian allotment;

“(C) in Oklahoma, all land that is—

“(i) within the jurisdictional area of an Indian tribe, and

“(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order; and

“(D) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

“(i) on original or acquired territory of the community; or

“(ii) within or outside the boundaries of any particular State.

“(4) The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except the term, for the purpose of Section 2604, shall not include any Native Corporation.

“(5) The term ‘Native Corporation’ has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(6) The term ‘organization’ means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

“(7) The term ‘Program’ means the Indian energy resource development program established under section 2602(a).

“(8) The term ‘Secretary’ means the Secretary of the Interior.

“(9) The term ‘tribal energy resource development organization’ means an organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other guarantee authorized by sections 2602 or 2603 of this title.

“(10) The term ‘tribal land’ means any land or interests in land owned by any Indian tribe, band, nation, pueblo, community, rancharia, colony or other group, title to which is held in trust by the United States or which is subject to a restriction against alienation imposed by the United States.

“(11) The term ‘vertical integration of energy resources’ means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission facility), on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

“SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

“(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

“(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, and with the consent of any affected Indian tribe, the Secretary shall establish and implement an

Indian energy resource development program to assist Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

“(2) In carrying out the Program, the Secretary shall—

“(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

“(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

“(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development and vertical integration of energy resources on Indian land.

“(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

“(b) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

“(1) The Director shall establish programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

“(2) In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

“(A) energy, energy efficiency, and energy conservation programs;

“(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

“(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

“(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

“(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

“(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

“(4) The Secretary of Energy may promulgate such regulations as necessary to carry out this subsection.

“(5) There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2004 through 2011.

“(c) LOAN GUARANTEE PROGRAM.—

“(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

“(2) A loan guaranteed under this subsection shall be made by—

“(A) a financial institution subject to examination by the Secretary of Energy; or

“(B) an Indian tribe, from funds of the Indian tribe.

“(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed \$2,000,000,000.

“(4) The Secretary of Energy may promulgate such regulations as the Secretary of En-

ergy determines are necessary to carry out this subsection.

“(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

“(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to the Congress on the financing requirements of Indian tribes for energy development on Indian land.

“(d) INDIAN ENERGY PREFERENCE.—

“(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

“(2) In carrying out this subsection, a Federal agency or department shall not—

“(A) pay more than the prevailing market price for an energy product or byproduct; and

“(B) obtain less than prevailing market terms and conditions.”.

“SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

“(a) GRANTS.—The Secretary may provide to Indian tribes and tribal energy resource development organizations, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

“(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal energy resource development organization for—

“(1) the development of a tribal energy resource inventory or tribal energy resource on Indian land;

“(2) the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

“(3) the development and enforcement of tribal laws and the development of technical infrastructure to protect the environment under applicable law; or

“(4) the training of employees that—

“(A) are engaged in the development of energy resources on Indian land; or

“(B) are responsible for protecting the environment.

“(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes and tribal energy resource development organizations scientific and technical data for use in the development and management of energy resources on Indian land.

“SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

“(a) LEASES AND AGREEMENTS.—Subject to the provisions of this section—

“(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

“(A) exploration for, extraction of, processing of, or other development of energy resources on tribal land; and

“(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land; or a facility to process or refine energy resources developed on tribal land; and

“(2) such lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of Title 25, U.S. Code, if—

“(A) the lease or business agreement is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(B) the term of the lease or business agreement does not exceed—

“(i) 30 years; or
“(ii) in the case of a lease for the production of oil and gas resources, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

“(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

“(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

“(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(2) the term of the right-of-way does not exceed 30 years;

“(3) the pipeline or electric transmission or distribution line serves—

“(A) an electric generation, transmission, or distribution facility located on tribal land; or

“(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

“(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

“(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

“(d) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

“(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

“(1) On promulgation of regulations under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

“(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1) (or one year if the Secretary determines such additional time is necessary to comply with applicable federal law), the Secretary shall approve or disapprove the tribal energy resource agreement.

“(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

“(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; and

“(ii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

“(1) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

“(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

“(III) address amendments and renewals;

“(IV) address consideration for the lease, business agreement, or right-of-way;

“(V) address technical or other relevant requirements;

“(VI) establish requirements for environmental review in accordance with subparagraph (C);

“(VII) ensure compliance with all applicable environmental laws;

“(VIII) identify final approval authority;

“(IX) provide for public notification of final approvals;

“(X) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way;

“(XI) describe the remedies for breach of the lease, agreement, or right-of-way; and

“(XII) describe tribal remedies, if any, against the United States for breach of any duties of the United States under such tribal energy resource agreement.

“(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

“(i) Except as provided in clause (ii) of this subparagraph, the preparation of a document comparable to an environmental assessment as provided for in existing regulations issued by the President's Council on Environmental Quality, including brief discussions of the need for the proposal and the environmental impacts (including impacts on cultural resources) of the proposed action and alternatives (which may be limited to a no-action alternative except in circumstances in which section 102(2)(E) of the National Environmental Policy Act (42 U.S.C. 4332(2)(E)) would require a broader consideration of alternatives if such action were proposed by a federal agency);

“(ii) in the event that the environmental analysis specified in clause (i) leads to a determination by the responsible tribal official that the impacts of the proposed action will be significant, the tribe will prepare an environmental impact statement comparable to that required pursuant to existing regulations of the Council on Environmental Quality, provided that the preparation of an environmental assessment pursuant to clause (i) is not required if the responsible tribal official makes a threshold determination that an environmental impact statement pursuant to this clause (ii) will be required;

“(iii) the identification of proposed mitigation and mechanisms to ensure that any mitigation measures that are incorporated into the environmental documents required pursuant to clause (i) or (ii) will be enforceable;

“(iv) a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impacts of any proposed lease, business agreement, or right-of-way before the issuance of a final document under clauses (i) or (ii), and before tribal approval of the lease, business agreement, or right-of-way (or any amendment to or renewal of the lease, business agreement, or right-of-way); and

“(v) sufficient administrative support and technical capability to carry out the environmental review process.

“(D) A tribal energy resource agreement negotiated between the Secretary and an Indian tribe in accordance with this subsection shall include—

“(i) provisions requiring the Secretary to conduct an annual trust asset evaluation to

monitor the performance of the activities of the Indian tribe associated with the development of energy resources on tribal land by the Indian tribe; and

“(ii) in the case of a finding by the Secretary of imminent jeopardy to a physical trust asset, provisions authorizing the Secretary to reassume responsibility for activities associated with the development of energy resources on tribal land.

“(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted under paragraph (1).

“(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall—

“(A) notify the Indian tribe in writing of the basis for the disapproval;

“(B) identify what changes or other actions are required to address the concerns of the Secretary; and

“(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

“(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to subsection (e)(8), provide to the Secretary—

“(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

“(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

“(6)(A) Nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including those which derive from the trust relationship as set forth in treaties, statutes, regulations, Executive Orders, court decisions, and agreements between the United States and any Indian tribe; provided further that the Secretary shall carry out the actions required in this section in a manner consistent with the trust responsibility to protect and conserve the trust resources of Indian tribes and individual Indians, and shall act in good faith in upholding such trust responsibility.

“(B) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of a violation of federal law or the terms of any lease, business agreement or right-of-way under this section by any other party to any such lease, business agreement or right-of-way.

“(7)(A) In this paragraph, the term ‘interested party’ means any person or entity the interests of which have sustained or will sustain an adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to subsection (e)(8), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved under this subsection.

“(C) If the Secretary determines that an Indian tribe is not in compliance with a tribal energy resource agreement approved

under this subsection, the Secretary shall take such action as is necessary to compel compliance, including—

“(i) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with the approved tribal energy resource agreement; and

“(ii) rescinding approval of the tribal energy resource agreement and reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way described in subsections (a) and (b).

“(D) If the Secretary seeks to compel compliance of an Indian tribe with an approved tribal energy resource agreement under subparagraph (C)(ii), the Secretary shall—

“(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

“(ii) provide the Indian tribe with a written notice of the violation together with the written determination; and

“(iii) before taking any action described in subparagraph (C)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

“(E) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

“(F) Any decision of the Secretary with respect to a review or appeal described in this paragraph (7) shall constitute a final agency action.

“(8) Not later than 180 days after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall promulgate regulations that implement the provisions of this subsection, including—

“(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe; and

“(B) a process and requirements in accordance with which an Indian tribe may—

“(i) voluntarily rescind an approved tribal energy resource agreement approved by the Secretary under this subsection; and

“(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection.

“(f) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of—

“(1) any Federal environmental law;

“(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

“(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$2,000,000 for each of fiscal years 2004 through 2010 to make grants or provide other appropriate assistance to Indian tribes to assist them in the implementation of any tribal energy resource agreements entered into pursuant to this section.

“(h) EXPIRATION OF AUTHORITY.—The authority of an Indian tribe to enter into, or issue, leases, business agreements or rights-of-way pursuant to this section, and the Secretary's authority to approve tribal energy resource agreements pursuant to this section, shall expire seven years after the date of enactment of the Indian Energy Development and Self-Determination Act of 2003, unless reauthorized by a subsequent Act of Congress.

“SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATION.

“(a) DEFINITIONS.—In this section:

“(1) The term ‘Administrator’ means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

“(2) The term ‘power marketing administration’ means—

“(A) the Bonneville Power Administration;

“(B) the Western Area Power Administration; and

“(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

“(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

“(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

“(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes.

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming, supplemental, and reserve needs of Indian-owned energy projects on Indian land;

“(3) the Administrator of the Western Area Power Administration may purchase power from Indian tribes to meet the firming, supplemental, and reserve requirements of the Western Area Power Administration; and

“(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

“(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

“(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

“(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to the Congress a report that—

“(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

“(2) identifies—

“(A) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

“(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

“(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$750,000, which shall remain available until expended and shall not be reimbursable.

“SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.

“(a) IN GENERAL.—The Secretary shall conduct a review of all activities being con-

ducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

“(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

“(1) the results of the review;

“(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

“(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

“SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.

“(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming and supplemental power to the Western Area Power Administration.

“(b) SCOPE OF STUDY.—The study shall—

“(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

“(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

“(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

“(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

“(5) include an independent tribal engineer as a study team member.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

“(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

“(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

“(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

“(4) an identification of—

“(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

“(B) the manner in which such a partnership could contribute to the energy security of the United States.

“(d) FUNDING.—

“(1) There is authorized to be appropriated to carry out this section \$500,000, to remain available until expended.

“(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.”

(b) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by striking items relating to Title XXVI, and inserting:

- "Sec. 2601. Definitions.
- "Sec. 2602. Indian tribal energy resource development.
- "Sec. 2603. Indian tribal energy resource regulation.
- "Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.
- "Sec. 2605. Federal Power Marketing Administrations.
- "Sec. 2606. Indian mineral development review.
- "Sec. 2607. Wind and hydropower feasibility study.

SA 882. Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL,) proposed an amendment to the bill S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic foreces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burmese Freedom and Democracy Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

(3) According to the State Department's "Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma" dated March 28, 2003, the SPDC has become "more confrontational" in its exchanges with the NLD.

(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

(6) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

(7) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

(8) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

(9) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

(10) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

(11) On April 15, 2003, the American Apparel and Footwear Association expressed its "strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma" and called upon the United States Government to "impose an outright ban on U.S. imports" of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

(12) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.

(a) GENERAL BAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), no article may be imported into the United States that is produced, mined, manufactured, grown, or assembled in Burma.

(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

(E) the Union Solidarity and Development Association (USDA); and

(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State,

after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

- (i) releasing all political prisoners;
- (ii) allowing freedom of speech and the press;
- (iii) allowing freedom of association;
- (iv) permitting the peaceful exercise of religion; and
- (v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma's ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

(C) Pursuant to the terms of section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), Burma has not failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, and concrete and measurable actions to stem the flow of illicit drug money into Burma's banking system and economic enterprises and to stop the manufacture and export of methamphetamines.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(b) WAIVER AUTHORITIES.—

(1) IN GENERAL.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives that to do so is in the national security interest of the United States.

(2) INTERNATIONAL OBLIGATIONS.—The President may waive any provision of this Act found to be in violation of any international obligations of the United States pursuant to any final ruling relating to Burma under the dispute settlement procedures of the World Trade Organization.

SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those assets to the Office of Foreign Assets Control. The Secretary of the Treasury may take such action as may be necessary to secure such assets or funds.

SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma

until such time as the conditions described in section 3(a)(3) are met.

SEC. 6. EXPANSION OF VISA BAN.

(a) IN GENERAL.—

(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

(2) UPDATES.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union for the reasons described in paragraph (1) is also banned from receiving a visa from the United States.

(b) PUBLICATION.—The Secretary of State shall post on the Department of State's website the names of individuals whose entry into the United States is banned under subsection (a).

SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma's democratic movement including the National League for Democracy and Burma's ethnic groups.

(b) UNITED STATES EMBASSY.—The United States embassy in Rangoon shall take all steps necessary to provide access of information and United States policy decisions to media organs not under the control of the ruling military regime.

SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.

(a) IN GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

(b) REPORTS.—

(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

(A) the formation of democratic institutions;

(B) establishing the rule of law;

(C) establishing freedom of the press;

(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

(E) providing health, educational, and economic development.

SA 883. Mr. MCCONNELL (for himself, Mr. GRASSLEY, and Mr. BAUCUS) proposed an amendment to amendment

SA 882 proposed by Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. AL-LARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL) to the bill S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; as follows:

On page 5, line 5, insert "and except as provided in section 9" after "law".

Beginning on page 7, line 23, strike all through page 8, line 3, and insert the following:

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

On page 8, beginning on line 5, strike all through line 13, and insert the following:

(1) IN GENERAL.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the appropriate congressional committees that to do so is in the vital national security interest of the United States.

On page 11, beginning on line 16, strike "Committees on Appropriations and Foreign Relations of the Senate" and all that follows through "House of Representatives" on line 19, and insert "appropriate congressional committees".

On page 12, beginning on line 1, strike "Committees on Appropriations and Foreign Relations of the Senate" and all that follows through "House of Representatives" on line 4, and insert "appropriate congressional committees".

On page 12, after line 16, insert the following:

(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date that the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and other appropriate agencies, shall submit to the appropriate congressional committees, a report on—

(A) conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

(B) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma; and

(C) the impact and effectiveness of the provisions of this Act in furthering the policy objectives of the United States toward Burma.

SEC. 9. DURATION OF SANCTIONS.

(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

(b) CONTINUATION OF IMPORT SANCTIONS.—

(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act unless renewed under paragraph (2) of this section.

(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

(c) RENEWAL RESOLUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term "renewal resolution" means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: "That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003."

(2) PROCEDURES.—

(A) IN GENERAL.—A renewal resolution—

(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

(ii) the provisions of subparagraph (B) shall apply.

(B) EXPEDITED CONSIDERATION.—The provisions of section 152 (b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.

SA 884. Mr. GRAHAM of Florida (for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. WYDEN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. EDWARDS, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Mr. LEAHY, Ms. SNOWE, Mr. DODD, Mr. CHAFEE, Mrs. DOLE, Mr. KENNEDY, Mr. CORZINE, and Ms. COLLINS) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Beginning on page 23, strike line 20 and all that follows through page 25, line 8.

SA 885. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle I—Miscellaneous

SEC. 1195. ENERGY SECURITY OF ISRAEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may export oil to, or secure oil for, any country pursuant to a bilateral international oil supply agreement entered into by the United States with such nation before June 25, 1979,

or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency.

(b) MEMORANDUM OF AGREEMENT.—The following agreements shall be deemed to have entered into force by operation of law and shall be deemed to have no termination date:

(1) The agreement entitled "Agreement amending and extending the memorandum of agreement of June 22, 1979", entered into force November 13, 1994 (TIAS 12580).

(2) The agreement entitled "Agreement amending the contingency implementing arrangements of October 17, 1980", entered into force June 27, 1995 (TIAS 12670).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, June 11, 2003. The following agenda will be considered:

S. 648, Pharmacy Education Aid Act of 2003.

S. __, Greater Access to Affordable Pharmaceuticals Act.

Any nominees that have been cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 11, 2003, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Charles W. Grim, D.D.S., to be the Director of the Indian Health Service at the Department of Health and Human Services; to be followed immediately by another hearing on S. 1146, to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, ND.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial and Executive Nominations" on Wednesday, June 11, 2003, at 9:30 a.m., in the Dirksen Senate Office Building Room 650.

Panel I: Senators.

Panel II: William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Panel III: Diane M. Stuart to be Director, Violence Against Women Office, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Joint Eco-

nomic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Wednesday, June 11, 2003, from 9:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on Wednesday, June 11, 2003, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, June 11, 2003, at 9 a.m., for a hearing entitled "Patient Safety: Instilling Hospitals with a Culture of Continuous Improvement."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Greg Dean of my office be given floor privileges during the debate on the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that Mindy Yergin, an intern in my office, be granted floor privileges for the remainder of the consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Andrea Lee, a legislative fellow in my office, be granted the privilege of the floor for the remainder of the debate on S. 14, the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION DISCHARGED AND EXECUTIVE CALENDAR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session and that the nomination of Clay Johnson, to be Deputy Director for Management, OMB, be discharged from the Governmental Affairs Committee; I further ask consent that the Senate proceed to its consideration and the consideration of Executive Calendar No. 224 en bloc; further, that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Clay Johnson III, of Texas, to be Deputy Director of Management, Office for Management and Budget.

DEPARTMENT OF JUSTICE

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMMENDING MEDGAR WILEY EVERS AND HIS WIDOW, MYRLIE EVERS-WILLIAMS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 54, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 54) commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments, designating a Medgar Evers National Week of Remembrance, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 54) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 54

Whereas a pioneer in the fight for racial justice, Medgar Wiley Evers, was born July 2, 1925, in Decatur, Mississippi, to James and Jessie Evers;

Whereas, to faithfully serve his country, Medgar Evers left high school to join the Army when World War II began and, after coming home to Mississippi, he completed high school, enrolled in Alcorn Agricultural and Mechanical College, presently known as Alcorn State University, and majored in business administration;

Whereas, as a student at Alcorn Agricultural and Mechanical College, Evers was a member of the debate team, the college choir, and the football and track teams, was the editor of the campus newspaper and the yearbook, and held several student offices, which gained him recognition in Who's Who in American Colleges;

Whereas, while a junior at Alcorn Agricultural and Mechanical College, Evers met a freshman named Myrlie Beasley, whom he married on December 24, 1951, and with whom he spent the remainder of his life;